

1160161811, 51

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE WORLD TRADE CENTER
DISASTER SITE LITIGATION

RICHARD WISNIEWSKI,

Plaintiffs,

- against -

THE CITY OF NEW YORK, et al,

Defendant.

21 MC 100 (AKH)

10 CV 2109
07 CV 6559

PARTIAL STIPULATION OF
VOLUNTARY DISMISSAL AS
AGAINST ALL PARTIES PURSUANT
TO F.R.C.P. 41(a)(1)(A)(ii)

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 4/11/11

IT IS HEREBY STIPULATED AND AGREED by and between the parties that, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii):

1. The above-captioned action is voluntarily dismissed pursuant to the following terms and conditions:
2. All claims by Plaintiffs RICHARD WISNIEWSKI, against all Defendants or against any Defendant arising out of or relating in any way to World Trade Center-related rescue, recovery and/or debris-removal operations and/or clean-up at any location on and/or after September 11, 2001, are voluntarily dismissed.
3. All claims that were asserted or could have been brought in relation to Plaintiff's existing pleadings are dismissed with prejudice.

4. This dismissal is without prejudice solely in relation to a second injury to the extent permitted by New York State law and as may be defined by any court having jurisdiction over any such later-filed complaint. If after this Stipulation is filed Plaintiff commences an action asserting such alleged second injury claims against any or all of the entities listed on Exhibit A to the World Trade Center Litigation Settlement Process Agreement, As Amended ("Amended SPA"), such action shall constitute a "New Debris Removal Claim" as defined in the Amended SPA.

5. The dismissal is without costs.

SULLIVAN PAPAIN BLOCK
McGRATH & CANNAVO P.C.

By: 

Andrew J. Carboy, Esq.
Attorneys for Plaintiffs
RICHARD WISNIEWSKA
120 Broadway, 18th Floor
New York, NY 10271

Dated: April 4, 2011


PATTON BOGGS LLP

By: 

James E. Tyrrell, Jr., Esq.
Attorneys for all Defendants
The Legal Center
One Riverfront Plaza, Suite 600
Newark, NJ 07102

Dated: April 4, 2011

SO ORDERED:


U.S.D.J.
4/7/11

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April 04, 2011

Honorable Alvin K. Hellerstein
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street, Room 910
New York, New York 10007-1312

**Re: World Trade Center Disaster Site Litigation, 21 MC 100
Voluntary Stipulation of Discontinuance for Richard Wisniewski**

10 CV 2109 and 07 CV 6559

Honorable Sir:

As counsel for plaintiff Richard Wisniewski, we respectfully submit the enclosed voluntary stipulation of dismissal.

Mr. Wisniewski did not opt into the Settlement Process Agreement.

Mr. Wisniewski's two actions were not previously dismissed for failure to prosecute.

Page 2 of 2

No parties will remain in these actions once the stipulation is so-ordered.

Respectfully Submitted,

SULLIVAN PAPAIN BLOCK
McGRATH & CANNAVO P.C.

By: 

Andrew J. Carboy (AC 2147)

AJC:lmm
(067223)